

**REMARKS**

Claims 1-65 are pending in the present application. In the Office Action mailed 16 December 2003, the Examiner rejected claims 1-6, 9, 12-13, 15, 22-24, 28-31, 34, 38, 44, 47-48, 50-55, 58, and 60-65 under 35 U.S.C. 102(e) as being anticipated by Paulraj et al. [U.S. Pat. 6,351,499], hereinafter referred to as Paulraj. In this amendment, Applicants respond with traverse to all rejections in the Office Action.

***Claim Rejections – 35 USC § 102***

Claims 1-6, 9, 12-13, 15, 22-24, 28-31, 34, 38, 44, 47-48, 50-55, 58, and 60-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Paulraj.

Applicants' Claim 1 reads:

A method for scheduling data transmission for a plurality of terminals in a wireless communication system, comprising:

forming at least one set of terminals for possible data transmission for each of a plurality of frequency bands, wherein each set includes one or more terminals and corresponds to a hypothesis to be evaluated;

evaluating the performance of each hypothesis;

selecting one hypothesis for each frequency band based on the evaluated performance;

and

scheduling the one or more terminals in each selected hypothesis for data transmission on the corresponding frequency band.

Applicants' Claim 1 involves data transmission for a plurality of terminals and the selection of a set of terminals for transmission on each of a set of frequency bands. Paulraj does not teach or recite the selection of a set of terminals. Rather, Paulraj teaches the case of one transmit unit and one receive unit, both having multiple antennas. There is no teaching anywhere in Paulraj of a selection of a set of terminals for transmission on each of a set of frequency bands. Therefore, Claim 1 is novel and patentable over Paulraj.

Similarly independent claims 44, 47-48, 52, 53, 54, 58, 62, 63, and 65 also involve a set of terminals for transmission on each of a set of frequency bands. All independent claims in the present Application for patent, and thereby all the dependent claims, are novel and patentable over Paulraj and are allowable.

*Allowable Subject Matter*


Claims 7, 8, 10, 11, 14, 16-21, 25-27, 32, 33, 35-37, 39-43, 45, 46, 49, 56, 57, and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the above arguments, the base claims are allowable and Applicants request speedy allowance of these objected-to-claims.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: April 16, 2004

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